

12.133 EXCLUSION ZONES

Reference:

Cincinnati Municipal Code 753 - Prostitution-Exclusion
Zones

Cincinnati Municipal Code 755 - Drug-Exclusion Zones

Cincinnati Municipal Code 757 - City Park-Exclusion Zones
Standards Manual 43

Definitions:

Exclusion zones are areas in the city of Cincinnati, designated by ordinances of the Cincinnati Municipal Code, in which persons arrested for and convicted of specific crimes are excluded for a period of ninety days after the initial arrest, and one year upon conviction.

Exclusion zones are created when certain areas of the city have a significantly higher incidence of conduct associated with a particular type of criminal activity than other areas similarly sized.

Purpose:

To identify and properly route the forms necessary, and to list the appeal and variance options concerning the issuance of ninety day and one year exclusion notices to offenders.

Procedure:

A. Issuance of Exclusion Zone Notices:

1. Forms 536 and 538 (Notice of Exclusion - Prostitution or Drug Exclusion Zones) and Form 542 (City Park Exclusion Zone) (Ninety Days)

- a. Completed and issued by the arresting officer to the violator.

- 1) Forward the top copy of Forms 536, 538, or 542 to CVCS (Central Vice Control Section) with a copy of Form 526 (Vice Activity Report) and/or Form 527 (Arrest and Investigation Report).

- a) General Vice Enforcement Unit will retain all sexual related exclusion notices in its files.
 - b) Street Corner Unit will retain all drug related exclusion notices in its files.
 - 2) Forward the middle copy of Form 542 to Special Services Section.
 - 3) Issue the bottom copy of Forms 536, 538, or 542 to the violator.
 - 4) The criminal complaint form or Form 314 (Notice to Appear - NTA) must be stamped with "Exclusion Zone Case."
 - 5) Violators will be cited within 14-21 days on Wednesdays at 1255 hours to Room B **only**.
2. Forms 537 and 539 (Notice of Exclusion - Prostitution or Drug Exclusion Zones) and Form 543 (City Park Exclusion Zone) (One Year)
- a. When an arresting officer is subpoenaed to court, upon responding to the Court Control Unit to check in, the officer will pick up a copy of Form 537, 539, or 543 in the event a conviction occurs. This officer is responsible for completing and issuing the proper exclusion zone form.
 - 1) Forward the top copy of Forms 537, 539, or 543 to CVCS.
 - a) General Vice Enforcement Unit will retain all sexual related exclusion notices in its files.
 - b) Street Corner Unit will retain all drug related exclusion notices in its files.
 - 2) Forward the middle copy of Form 543 to Special Services Section.

- 3) Issue the bottom copy of Forms 537, 539, or 543 to the violator.
 - b. The Court Control Unit officer will respond to Room B each Wednesday at 1255 hours to complete and issue Forms 537, 539, or 543 to the convicted violator.
 - 1) If the Court Control Unit officer is unavailable, the city prosecutor will request a District One officer, or any other available officer, to respond to issue the exclusion notice.
 - 2) Forward copies of Forms 537, 539, or 543 as stated in Sections A.2.a.1), 2), and 3) of this procedure.
 - c. The Court Control Unit officer will respond, upon notification by a city prosecutor or court clerk, to any courtroom, if other than above, to complete and issue Forms 537, 539, or 543 to convicted violators.
 - 1) If the Court Control Unit officer is unavailable, the city prosecutor will request a District One officer, or any other available officer, to respond to issue the exclusion notice.
 - 2) Forward copies of Forms 537, 539, or 543 as stated in Sections A.2.a.1), 2), and 3) of this procedure.
3. Officers can query individuals to determine exclusion dates and/or status.

B. Appeals to Exclusion:

1. Appeals may be made in writing to the Safety Director, Room 115, City Hall, 801 Plum Street, Cincinnati, Ohio 45202, within five days of receipt of the exclusion notice, and must be accompanied by a copy of the exclusion notice.

- a. If appealed, the exclusion does not go into effect until the Safety Director has heard the appeal and rendered a decision.

C. Variances to Exclusion:

1. Form 540 (Exclusion Zone Variance)

- a. Variances to exclusions may be granted at any time during the exclusion period.
- b. The Police Chief (or his designee) may issue a variance to a person who has been excluded and is a resident and/or owner, principal, or employee of a place of employment located in a designated exclusion zone.
 - 1) Residential or employment variances are obtained by contacting the police district responsible for the designated exclusion zone in which the prospective variant lives or works.
 - a) The district commander where an excluded zone exists is the Police Chief's designee and is responsible for issuing the variance.
- c. Specified social service agencies which provide services in designated exclusion zones may issue variances for reasons relating to the excluded person's health, welfare, or well being, but only according to ordinance specifications.
 - 1) Only those social service agencies which have written rules and regulations prohibiting specific exclusion crime activities by their clients and have entered into a written agreement with the Police Division are eligible to grant variances.
 - a) Requests for these variances must be submitted to the Police Chief by the requesting agency.

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